

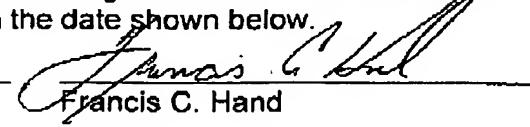
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CERTIFICATION OF FACSIMILE TRANSMISSION

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August 23, 2010
Date


Francis C. Hand

Attention: Deputy Commissioner for Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bjorn Ove Dalseide
Serial No.: 10/566,141
Filed: January 27, 2006
Title: Device of a Descaler Head

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Decision on Petition Under 37 CFR 1.181(a)

Madam Commissioner:

This is to acknowledge the Decision on Petition dated April 19, 2010 from the Office of Petitions holding the Petition of March 30, 2010 (copy attached) as moot.

In furtherance of the facts set forth in the Petition of March 30, 2010 is the fact that a Notice of Allowance was issued on June 30, 2010 in response to the filing of the Request for Continued Examination (RCE) and the Amendment after Final Rejection of October 20, 2009. The Examiner cited no new art.

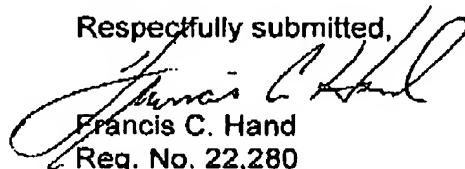
Had the Final Rejection been entered at the time of filing, based on the interview of October 20, 2009, Applicant would not have been required to have filed the RCE and the attendant Request for a three month Extension of time and the related fees. ✓

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It is recognized by the undersigned that the petition has been dismissed as moot. However, it is respectfully requested that the procedures for denying entry of Amendments after Final Rejection by Art Unit 3726 be reviewed by your office, especially, where the amendments to the claims are in accord with agreements reached during interviews with an Examiner and a Supervisory Examiner.

Respectfully submitted,



Francis C. Hand

Reg. No. 22,280

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO

5 Becker Farm Road

Roseland, NJ 07068

Phone: 973-994-1700

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AUG 23 2010

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MAR 30 2010

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the USPTO at (571) 273-8300 on the date shown below.

March 30, 2010
Date


Francis C. Hand

Mail Stop Petitions
Attention: Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Bayan Salone
 Applicant: Bjorn Ove Dalseide
 Serial No.: 10/566,141
 Filed: January 27, 2006
 Title: Device of a Descaler Head

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Petition Pursuant to 37 CFR 1.181(a)

Sir:

This is a Petition under 37 CFR 1.181 (a) for entry of an Amendment after Final Rejection filed October 20, 2009.

Statement of Facts

1. A Final Rejection was issued on September 30, 2009 rejecting all the claims of this application, i.e. claims 13 -22 on a new ground of rejection.
2. On October 20, 2009, a telephone interview was held among Examiners Bayan Salone and David Bryant and the undersigned.
3. An Interview Summary of the telephone interview of October 20, 2008 was issued on October 22, 2009 by Supervisory Examiner David Bryant stating in closing:

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"In conclusion the applicant will most likely file an amendment further detailing the deformation of the disc-shaped plates and how the descaler portions are longitudinally offset in different planes. The examiners concurred that such an amendment would appear to define over the rejection of record."

4. On October 20, 2009, Applicant filed an Amendment After Final Rejection in which each of the independent claims of the application, i.e. claims 13 and 18, were amended in accord with the interview conclusion, i.e. adding "each said deformed section being twisted about an axis passing through a center of said resepective plate".

5. On December 7, 2009, an Advisory Action was issued by Supervisor David Bryant refusing entry of the proposed amendments of the Amendment After Final Rejection because (a) they raise new issues that would require further consideration and/or search and (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. Reason (a) further stated that the newly recited limitation "each said deformed section being twisted about an axis passing through a center of said resepective plate" would require further consideration and/or search.

6. On December 9, 2009, the undersigned telephoned the office of Supervisor David Bryant but was advised that he was out until the next day. Subsequently, the undersigned contacted Supervisor David Bryant by telephone to seek clarification of why the Amendment After Final Rejection was refused entry in light of the agreement reached during the telephone interview of October 20, 2009. Supervisor David Bryant replied that the proposed amendment to the claims would require further

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search and/or consideration even though the amendment was in accord with the conclusion of the interview.

7. On or about December 10, 2009, the undersigned telephoned the office of Group Director Karen Young and requested that she talk to Supervisor David Bryant regarding his reasons for not entering the Amendment After Final Rejection. Group Director Karen Young stated that she would talk to Supervisor David Bryant and get back to the undersigned.

8. On January 20, 2010, the undersigned telephoned the office of Group Director Karen Young and left a message with the secretary of that office requesting that Group Director Karen Young return his telephone call. No return call was received.

9. On January 28, 2010, the undersigned again telephoned the office of Group Director Karen Young and left a message with the secretary of that office requesting that Group Director Karen Young return his telephone call. No return call was received. Further like telephone calls were made by the undersigned over the course of the following weeks with no response from Group Director Karen Young.

10. Subsequently, on March 23, 2010, the undersigned telephoned the Office of Deputy Commissioner and spoke with Michael Neas regarding the non-responsiveness of Group Director Karen Young to the undersigned.

11. On March 30, 2010, Michael Neas telephoned the undersigned and advised that his telephone calls to Group Director Karen Young did not receive any responsive call from her and suggested that this Petition be filed to seek relief and to file a paper to keep the application pending.

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12. A Request for Continued Examination is being filed herewith to maintain the application pending.

13. A Request for an Extension of Time is being filed herewith for three months to March 30, 2010.

Points to be Reviewed

1. The Amendment After Final Rejection is entitled to entry as being in accord with the conclusion of the interview of October 20, 2009.

2. Entry of the Amendment After Final Rejection would overcome the Final Rejection of the claims of the application.

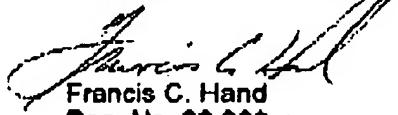
Action Requested

It is respectfully requested that the Amendment After Final Rejection be entered and that the Final Rejection of the claims of the application be withdrawn.

It is respectfully that deposit account 03-0678 be credited with the cost of the Request for Continued Examination and the Request for an Extension of Time.

It is respectfully requested that any further relief that may be given to Applicant be granted at this time.

Respectfully submitted,



Francis C. Hand
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